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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,128	09/10/2004	Patrizia Melpignano	APV31817	8838
24257	7590	09/25/2006	EXAMINER	
STEVENS DAVIS MILLER & MOSHER, LLP			REHM, ADAM C	
1615 L STREET, NW			ART UNIT	
SUITE 850			PAPER NUMBER	
WASHINGTON, DC 20036			2875	

DATE MAILED: 09/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

RD

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/507,128	MELPIGNANO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Adam C. Rehm	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 July 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20,22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20,22 and 23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-5, 8, 10-17, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over C.F. MADIGAN ET AL, *Improvement of output coupling efficiency of organic light-emitting diodes by backside substrate modification*, Applied Physics Letters, March 27, 2000, at 1650 (published article) and BRASS ET AL. (US 6,979,104). MADIGAN discloses a lighting device (Fig. 3 generally) comprising:

- An OLED/light source with positive and negative electrodes having point of light emission pixels between said electrodes (Fig. 3);
- A partly transparent substrate for diffusing OLED light (Fig. 3);
- A lenticular optical element/lens array on the substrate opposite to the OLED for diffusing light comprising a plurality of diffractive microlenses on a second face of said substrate to form an integrated structure to generate, emit and direct light (Fig. 3);
- Wherein the microlenses are equal to each other (Fig. 3);
- Wherein the substrate is made of plastic or glass (Table 1); and

Art Unit: 2875

- Wherein the microlenses centers are shifted with respect to the relative point of light emission/the other of the mail axes (Page 1652, Column 2, Paragraph 3).

2. While MADIGAN substantially discloses the claimed invention including an OLED, MADIGAN does not appear to disclose a light source with its optical axis laterally shifted from the central axis of a lens or lenses of different geometric configurations. However, BRASS teaches such (Figs. 11 and 18) for the purpose of yielding a beam with increased focus (Column 12, Line 62-Column 13, Line 14). It would have been obvious to one of ordinary skill in the art at the time of invention to modify MADIGAN and use the laterally offset light as taught by BRASS in order to obtain a beam with increased focus. BRASS further teaches lenses of different geometric configurations, i.e. different sizes (115, 117, Fig. 1). Notably, a change of any spatial attribute is considered a change of geometric configuration. Moreover, it has been held that a mere change of form or rearrangement of parts is necessary for patentability with such a change resulting in more than useful natural phenomenon that man has accumulated through common knowledge. *Span Deck Inc. v. Fab Con, Inc.*, 215 USPQ 835. Thus, it would have been obvious to one having ordinary skill in the art to manipulate the lens configuration of MADIGAN in order to achieve a desired effect.

3. Regarding the method claims, the method of forming a device is not germane to the issue of patentability of the device itself. Therefore, these limitations have not been given patentable weight.

Art Unit: 2875

4. Claims 6, 7, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over C.F. MADIGAN ET AL, *Improvement of output coupling efficiency of organic light-emitting diodes by backside substrate modification*, Applied Physics Letters, March 27, 2000, at 1650 (published article). MADIGAN discloses the claimed invention including microlenses on a substrate (Fig. 3), but does not disclose microlenses or a substrate sized as claimed by applicant. However, it would have been obvious to one having ordinary skill in the art at the time of invention to decrease the size of the MADIGAN light device to lower material costs and decrease material processing time thus increasing process efficiency, since such a modification would have involved a mere change in the size of the existing components. Notably, changes in size are generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237.

#### ***Response to Amendment***

5. Applicant's amendment has been received.
6. The drawing objections and 112 have been withdrawn.

#### ***Response to Arguments***

7. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 2875

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

#### ***Correspondence***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam C. Rehm whose telephone number is 571.272.8589. The examiner can normally be reached on M-F 9-5:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571.272.2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2875

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ACR  
9/15/06



Sandra O'Shea  
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